



COPY

CONGREGATIO PRO CLERICIS

DECREE

Prot. No. 20120480

1. Whereas the Bishop Emeritus of Cleveland, Ohio, United States of America, the Most Reverend Anthony Pilla, initiated a pastoral planning process entitled *Vibrant Parish Life*, to study the vibrancy of parish communities, and possible sharing of resources among those parishes;
2. Whereas the Most Reverend Richard Lennon, after his appointment as Bishop of Cleveland in 2006, continued this study, in conformity with Canon 50 of the Code of Canon Law; this same pastoral planning process had considered broad diocesan trends concerning the situation of the declining number of the clergy and the ratio of priests to Catholic faithful, the general location of parish communities and churches, weekly attendance at Sunday Mass, finances, with a special emphasis on the vibrancy of the parish communities, judged by the above and other predetermined factors;
3. Whereas in many of the parish "closings" and mergers within the Diocese, the parish Church was also closed and it was declared that Holy Mass and devotional visits were never again to take place within those edifices, those edifices in all instances being locked and in some instances being fenced off;
4. Whereas the Bishop of Cleveland was advised on several occasions that procedures leading to the possible merger of a parish (c. 515 §2) would not *ipso iure* enable him perpetually to close a Church to divine worship and the devotion of the faithful, His Excellency being invited to revisit his procedure to remedy any possible invalidating defects, but declining to do so;
5. Whereas the process included an examination of the possible "closing" of the Parish of St. Patrick, Cleveland, Ohio, a territorial parish in the West Park section of Cleveland;
6. Whereas on 3 February, 2009, with a stated view of fulfilling the requirements of c. 515 §2, the Diocesan Bishop heard the opinions of the members of the Presbyteral Council regarding the proposal with relation to St. Patrick Parish and other parishes in the cluster, with no definite solution proposed;
7. Whereas on 12 March, 2009, by letter to the pastor and subsequent announcement in the Church, the Diocesan Bishop communicated his decision to "close" and merge St. Patrick Parish, stating that he would decide afterward whether St. Patrick Church would be chosen as the "worship site" of the new parish;
8. Whereas on 20 March, 2009 Ms. Marilyn Madigan, made written requests to the Diocesan Bishop to amend his decree, asking in her letter that St. Patrick be allowed to remain open as a "stand alone" parish, rather than be merged;
9. Whereas on 21 April, 2009 the Bishop of Cleveland replied in the negative to the request that he change his disposition in the matter;

10. Whereas on 26 April, 2009 Ms. Madigan made hierarchical recourse to the Congregation for the Clergy, within the canonical time limits;
11. Whereas on 27 May, 2009, the Bishop of Cleveland wrote to Fr. Thomas J. Hagedorn, Pastor of St. Patrick Parish, notifying him that he had decided that, in the merger of the parish, an alternate edifice would remain the "worship site"; indicating also that the Catholic School located on the parish grounds would continue, as well as the cemetery adjacent to the Church, but St. Patrick Church itself would be unable to be used for any function of Worship, thereby executing the provisions of c. 1222 §2 without implementing its procedures;
12. Whereas on 1 June 2009 the Pastor replied to the Bishop of Cleveland, asking for a reconsideration of this disposition, and on 9 June, 2009 a group of parishioners, headed by Ms. Patricia Schulte-Singleton, also wrote to the Bishop to request that he modify his dispositions;
13. Whereas on 2 July, 2009 at a meeting with Bishop Lennon, he indicated to recurrences that he refused to modify his dispositions, replying to them by letter on 7 July, 2009;
14. Whereas on 2 July, 2009 this group of recurrences, headed by Ms. Patricia Schulte-Singleton, which is now making recourse in concert with Ms. Marilyn Madigan and represented by Avv. Charles Gullo, made hierarchical recourse to the Congregation for the Clergy, the Dicastery by reason of connection issuing one decree to respond to all;
15. Whereas the Bishop of Cleveland, in his letter to this Dicastery of 6 July, 2009 (Prot. N. 669) stated that the appeal against his disposition was invalid, because the recurrences chose to appeal after his 27 May letter, rather than after his 12 March letter, and so lost their right to appeal in March;
16. Whereas the Congregation replied to the Bishop, by letter of 8 September, 2009 (Prot. N. 20092730), stating that the presentation of the hierarchical recourse was considered valid and the study was ongoing;
17. Whereas, although the Bishop of Cleveland submitted the acts of the case, and the parish celebrated the last parish Sunday Mass in June of 2010, no decree was submitted, the Congregation, then, takes as an indication of His Excellency's dispositions the 12 March, 2009 and the 27 May, 2009 letters to the pastor of St. Patrick, both of which were co-signed by Sister Therese Guerin Sullivan, S.P., Chancellor;
18. An Hierarchical Recourse is by its nature a documentary process which proceeds on the basis of examination of authentic documents provided by interested parties at the request of the Dicastery: thus, having provided ample opportunity for all interested parties to respond, the Dicastery judges as complete the documentation in its possession and proceeds therefore to its decision *per cartas*;
19. The law requires for validity that the Diocesan Bishop consult the Presbyteral Council in order to seek the advice of its members before coming to his decision regarding the suppression of a parish (cf. c. 127 §2 and c. 515 §2). Finally, a legitimate decree should be issued, stating at least in a summary fashion the lawful motivations supporting the decision (cf. c. 51), formalizing the Bishop's dispositions and making them manifest to those who have interests in the matter.
20. In this matter, the Bishop of Cleveland was given sufficient time to present to this Dicastery information which would solidify the decisions he made, and to forward all of the acts pertinent in the matter to this Congregation. The absence of any decree indicating and formalizing the dispositions of the Bishop made in the letter of 12 March, 2009 and 27 May, 2009 is troubling. Even should this document be taken as a manifestation of the Bishop's dispositions in the matter, which is the essence of a decree, it can be clearly seen that it lacks the requisite elements indicated by the canons. Hence, the Bishop of Cleveland is held to have acted in violation of the law on procedural grounds with regard to c. 515 §2. AA

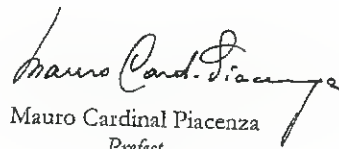
21. Regarding relegation of St. Patrick Church to secular but not unbecoming use, it is noted that the Bishop's letter of 27 May, 2009, omits any specific reference to the relegation of the church to secular but not unbecoming use, or to the canonical process required by c. 1222 §2. It is apparent from the acts, however, that the Diocesan Bishop did in fact arrive at a decision to implement the effects of the process envisioned by c. 1222 §2 without fulfilling its procedures. The Bishop's letter to the pastor of 27 May, 2009 is quite specific, indicating that the Church would not be used after the merger of the parish. In doing so, an essential element for the validity of the relegation of a church to secular but not unbecoming use was omitted, i.e., the required consultation of the Presbyteral Council regarding the matter (cf. c. 127 §2 and c. 1222 §2). The Bishop of Cleveland, even after being advised as to these shortfalls by the Congregation's letter of 8 September, 2009 (Prot. N. 20092393) declined to clarify the matter either by allowing the Church to remain open for divine worship and the devotion of the faithful, or by following the procedure for relegation. By the law itself, such an omission renders invalid the Bishop's decision to implement the effects of c. 1222 §2, i.e., the permanent closure of St. Patrick Church and its concomitant relegation to secular but not unbecoming use.
22. Jurisprudence does not recognize such relegation to be implicit in the decree suppressing or amalgamating a parish (cf. Decree of the Supreme Tribunal of the Apostolic Signatura of 1 July 2010, par. 7: "*Jurisprudentia Signaturae Apostolicae negat reductionem ecclesiae implicite statui posse in decreto suppressionis parociae.*" Prot. no. 38691/06 CA). It is evident, therefore, that the requirements of law for the licit and valid relegation of a church to secular but not unbecoming use have not been met, and that St. Patrick Church has not been lawfully and validly relegated to secular but not unbecoming use. Therefore:

The Congregation hereby decrees that this petition for recourse as presented, with regard to the suppression of St. Patrick Parish (c. 515, §2) does have canonical basis in law and in fact, and so is upheld both *de procedendo* and *de decernendo*.

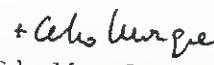
The Congregation further decrees that this petition for recourse as presented, with regard to the closure of St. Patrick Church (c. 1222 §2) does have canonical basis in law and in fact and so is upheld both *de procedendo* and *de decernendo*.

The Bishop of Cleveland is instructed to enact the implications of this Decree.

Recourse against this Decree may be made before the Supreme Tribunal of the Apostolic Signatura within the peremptory time limits established in the Apostolic Letter *motu proprio Antiqua Ordinatione*, Art. 34 §1


Mauro Cardinal Piacenza
Prefect



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✠ Celso Morgia Iruzubieta
Titular Archbishop of Alba marittima
Secretary

Given at the Seat of the
Congregation for the Clergy
1 March 2012